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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,280	03/07/2000	Stephan Voges	EFIM0252	9230
31408	7590	09/06/2006	EXAMINER	
LAW OFFICE OF JAMES TROSINO 92 NATOMA STREET, SUITE 211 SAN FRANCISCO, CA 94105				KISS, ERIC B
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/521,280	VOGES ET AL.
	Examiner Eric B. Kiss	Art Unit 2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 August 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,5,57 and 59 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,5,57 and 59 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 18, 2006, has been entered. Claims 1, 5, 57, and 59 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed August 18, 2006, have been fully considered but they are not persuasive.

Applicant's observation that LoCicero describes an environment in which VERILOG code is converted to "an internal, stylized form of C++," citing LoCicero at p. 6 and Fig. 1, does not imply that that VERILOG code is not being simulated or that the simulation engine itself cannot be considered a VERILOG simulator. The input to the LoCicero system is VERILOG source code, and the converted code, "simulates identically to the original Verilog source code." *LoCicero* at p. 6. The resulting typical simulation, "is composed of Verilog gates and always blocks, and C++ objects." *Id.* Further, LoCicero discloses, "Each segment of C++, encapsulated C, or converted Verilog that constitutes a coroutine . . . is allocated a separate thread so that the operating system can support its execution concurrent with the other routines." *Id.* at pp. 6-7. It is clear from the disclosure of LoCicero that VERILOG code is inputted into the system and

simulated, along with all of its VERILOG-specific functionality, and thus, the simulation engine of LoCicero may be considered a VEROLOG simulator.

It is noted that the rejection under 35 U.S.C. § 112, second paragraph, recited below was first raised in an Office action mailed September 13, 2002. (Non-final Rejection (09/13/2002) at item 8(h).) In response to said Office action, applicant cancelled each claim containing the trademark VERILOG in order to overcome the rejection under § 112. (Claims (03/28/2003); Remarks (03/28/2003) at 7.) Applicant has not argued that the incorporation of the trademark VERILOG in the claims is proper under § 112 or that the rejection in the previous Office action was erroneous.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 5, 57, and 59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5, 57, and 59 contain the trademark/trade name VERILOG. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the

trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a particular simulation environment and, accordingly, the identification/description is indefinite. In the rejection based on prior art that follows, the trademark VERILOG is interpreted as implying certain technical features consistent with the usage in the disclosure of the LoCicero reference and applicant's specification. This interpretation is applied in order to assign an ascertainable scope to the claims and is not intended to suggest that VERILOG is itself the generic terminology for any so-labeled goods and services employing these technical features.

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1, 5, 57, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Joe LoCicero and Donald E. Thomas, "A Multithreaded Multiple-Language Hardware/Software Cosimulator," 1997, Carnegie Mellon University, Research Report No. CMUCAD-97-34 (hereinafter [LoC1997]).

As per claim 1, [LoC1997] discloses providing a single executable program adapted to create a primary thread and a secondary thread, the primary thread running VERILOG code on a VERILOG simulator, the secondary thread running an interpreter that interprets a scripted routine comprising a user-defined call that is mapped to a VERILOG task (see, for example, section 3 on pp. 6-11, describing the cosimulation environment for Verilog and C++ code; see also the examples on pp. 16-18); providing a user-defined VERILOG function associated with the interpreter (see, for example, section 3 on pp. 6-11; see also the examples on pp. 16-18);

upon encountering the user-defined function, passing control from the VERILOG simulator to the interpreter to interpret the scripted routine (see, for example, pp. 7-8; see also the examples on pp. 16-18); and upon encountering the user-defined call, passing control from the interpreter to the VERILOG simulator (see, for example, pp. 7-8; see also the examples on pp. 16-18).

As per claim 5, [LoC1997] further discloses synchronizing the VERILOG simulator and the interpreter via semaphores (see, for example, pp. 7-8; event-driven routines to conditionally suspend execution are provided as Verilog constructs and also in the user's C++ code, providing synchronization).

As per claim 57, [LoC1997] further discloses directly sharing variables between the VERILOG simulator and the scripted routines (see, for example, p. 7, paragraph 2, continuing onto p. 8).

As per claim 59, [LoC1997] discloses providing a single executable program adapted to create a primary thread and one or more secondary threads, the primary thread running VERILOG code on a VERILOG simulator, the secondary threads running an interpreter that interprets a scripted routine comprising a user-defined call that is mapped to a VERILOG task (see, for example, section 3 on pp. 6-11, describing the cosimulation environment for Verilog and C++ code, where each segment of C++, encapsulated C, or converted Verilog that constitutes a coroutine is allocated a separate thread; see also the examples on pp. 16-18); providing a plurality of user-defined VERILOG functions associated with a corresponding interpreter (see, for example, section 3 on pp. 6-11; see also the examples on pp. 16-18); upon encountering the user-defined function, passing control from the VERILOG simulator to the interpreter to interpret the scripted routine (see, for example, pp. 7-8; see also the examples on

pp. 16-18); and upon encountering the user-defined call, passing control from the interpreter to the VERILOG simulator (see, for example, pp. 7-8; see also the examples on pp. 16-18).

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.



Eric B. Kiss  
August 29, 2006